

AMENDED IN SENATE MAY 25, 2012

AMENDED IN SENATE APRIL 16, 2012

AMENDED IN SENATE MARCH 29, 2012

## SENATE BILL

**No. 1047**

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### **Introduced by Senators Alquist and Correa**

(Principal coauthors: Assembly Members Ammiano and Dickinson)

February 7, 2012

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An act to add *and repeal* Section 8594.10 to of the Government Code, relating to emergency services.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1047, as amended, Alquist. Emergency services: ~~missing person:~~  
~~Endangered Missing Advisory: seniors.~~

Existing law authorizes use of the Emergency Alert System to inform the public of local, state, and national emergencies. Existing law requires a law enforcement agency to activate the Emergency Alert System within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of that person.

This bill would require that if a person is reported missing to a law enforcement agency, and that agency determines that certain requirements are met, including, among others, that the missing person is 65 years of age or older, the law enforcement agency shall request the California Highway Patrol to activate a Silver Alert. The bill would require the California Highway Patrol to, upon activation of a Silver

Alert, take certain actions to assist the agency investigating the disappearance. ~~By imposing additional duties on local law enforcement officials, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 8594.10 is added to the Government
- 2 Code, to read:
- 3 8594.10. (a) For purposes of this section, “Silver Alert” means
- 4 a notification system, activated pursuant to subdivision (b),
- 5 designed to issue and coordinate alerts with respect to a person
- 6 who is 65 years of age or older who is reported missing.
- 7 (b) (1) If a person is reported missing to a law enforcement
- 8 agency, and that agency determines that the requirements of
- 9 subdivision (c) are met, the agency ~~shall~~ *may* request the California
- 10 Highway Patrol to activate a Silver Alert. The California Highway
- 11 Patrol shall activate a Silver Alert within the geographical area
- 12 requested by the investigating law enforcement agency.
- 13 (2) Radio, television, and cable and satellite systems are
- 14 encouraged to, but not required to, cooperate with disseminating
- 15 the information contained in a Silver Alert.
- 16 (3) Upon activation of a Silver Alert, the California Highway
- 17 Patrol shall assist the investigating law enforcement agency by
- 18 issuing a be-on-the-lookout, an Emergency Digital Information
- 19 Service message, or an electronic flyer.
- 20 (c) A law enforcement agency ~~shall~~ *may* request a Silver Alert
- 21 be activated if that agency determines that all of the following
- 22 conditions are met in regard to the investigation of the missing
- 23 person:
- 24 (1) The missing person is 65 years of age or older.

1 (2) The investigating law enforcement agency has utilized all  
2 available local resources.

3 (3) The law enforcement agency determines that the person has  
4 gone missing under unexplained or suspicious circumstances.

5 (4) The law enforcement agency believes that the person is in  
6 danger because of age, health, mental or physical disability,  
7 environment or weather conditions, that the person is in the  
8 company of a potentially dangerous person, or that there are other  
9 factors indicating that the person may be in peril.

10 (5) There is information available that, if disseminated to the  
11 public, could assist in the safe recovery of the missing person.

12 (d) This section shall remain in effect only until January 1, 2016,  
13 and as of that date is repealed, unless a later enacted statute, that  
14 is enacted before January 1, 2016, deletes or extends that date.

15 ~~SEC. 2. If the Commission on State Mandates determines that~~  
16 ~~this act contains costs mandated by the state, reimbursement to~~  
17 ~~local agencies and school districts for those costs shall be made~~  
18 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
19 ~~4 of Title 2 of the Government Code.~~